

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : CRIMINAL NO. 19 - 638

v. :
**FRED C. ARENA :
a/k/a "McCormick Foley,"
a/k/a "John S. Mosby,"
a/k/a "Fritz Coon Heydrich,"
a/k/a "Big 88,"
a/k/a "Fritz Arena,"
a/k/a "Mosby S. John"** :

**GOVERNMENT'S SUPPLEMENTAL MOTION
FOR PRETRIAL DETENTION**

I. BACKGROUND

The defendant, Fred C. Arena, is charged in a five-count Indictment with making false statements to government officials. He was arrested and had an initial appearance on October 25, 2019. The government filed a motion for detention, and the Court held a hearing on the motion on October 29, 2018. At the close of the hearing, the Court asked the parties to submit briefs addressing the Court's authority to conduct a detention hearing, and asked the government to highlight the evidence establishing the risk that Arena will obstruct justice or intimidate witnesses if he is not detained. The government's response follows.

II. DISCUSSION

A. The Court has the authority to conduct a detention hearing.

Arena has argued that the Court lacks jurisdiction to conduct a detention hearing because he is not charged with crimes that support detention, such as crimes of violence, or federal narcotics offenses that carry penalties in excess of ten years or more. He is wrong. Regardless of the charges, the Court may conduct a detention hearing where, as here, there is "a

serious risk that the person will attempt to obstruct justice or to threaten, injure or intimidate a witness or juror.” *United States v. Himler*, 797 F.2d. 156, 159 (3d. Cir. 1986). Detention is then authorized “upon proof of a threatened obstruction of justice...” *Id.* There is ample proof of such a threat in this case, in Arena’s online declarations and in his history of using online threats as a tool of intimidation.

B. There is a serious risk that Arena will obstruct justice or intimidate witnesses.

Arena’s anger and malign intentions towards the witness he holds responsible for his legal troubles is well established in his social media postings. On January 16, 2019, for instance, Arena wrote “*if I could get my hands on him because he got the FBI on me...*” and “*f***** (name withheld) if I ever get my hands on that mother f****... I don’t f***** know I’m losing my mind,*” and “*...one day they are going to feel my wrath.*” Eleven days later, on January 27, 2019, Arena again expressed his rage towards the same witness, warning that “*I can unleash the fury on people if I need to,*” and that “*(they) are scared of me (name withheld) got me in trouble because I threatened him...*” On that same day, Arena posted the person’s phone number with an invitation that he be harassed, writing “*(h)ere’s his phone number you can prank call him tell your friends LOL.*”

As discussed in the government’s initial motion for detention, in the January 27, 2019, post Arena claimed that he stalked the witness, researching his whereabouts and daily habits, and sent him an intimidating photograph. Arena also claimed that he and others had already harassed the witness in other ways, writing “*we drove (name withheld) pretty nuts... (w)e drove (name withheld) so crazy he was ready to kill himself at one time... I would send him posters... sometimes 150 times a day,*” and “*(w)e did a lot of s*** to him.*”

Also in the January 27, 2019, exchange, Arena boasted of an online campaign waged against yet another person, writing that “*(w)e know how to do things and get revenge we trolled the s*** out of that one girl so bad that she had mental problems.*” In other social media postings, Arena has made it clear that he would act against anyone he suspected of possibly betraying him. During an exchange on January 29, 2019, Arena posted concerns that someone with whom he had interacted online was “*...some kind of spy,*” and said “*he’s starting to piss me off to the point that I’m going to f***** find this piece of s***.*” He directly threatened the suspected spy, writing “*I think you’re ANTIFA spy... if you are don’t think I can’t find you this is what I do I’m the SS for Vanguard America.*”

During their investigation, agents also learned that Arena made online and verbal threats against two women with whom he had failed relationships, “M.L.” and “W.U.” In both cases he threatened to sever intimate parts of the women’s bodies and store the parts in a jar. In the case of “M.L.,” after Arena was interviewed by the FBI on August 1, 2018, he texted her the sarcastic message “*thanks for the heads up,*” a likely reference to the fact that she had already been interviewed by the FBI before the FBI spoke with Arena but that she did not warn him of that fact.

A third woman, “K.S.,” also reported threats to the FBI. In her case, Arena texted threats to her that included threats to “*eat you alive,*” and “*cut your (expletive) throat.*” Arena later claimed to agents that these threats were made to “K.S.” in jest, and said he also made similar threats to a man, “D.R.,” as well. “K.S.,” however, told agents that she suspected the threats made towards her may have been motivated by a belief that she was cooperating with the FBI. Arena made all the threatening messages using a “*burner phone,*” a phone that could not be traced back to him. He claimed that “K.S.,” knew the number of that phone.

III. CONCLUSION

Arena has shown a willingness to threaten potential witnesses and to encourage others to harass them as well. He has expressed his desire to “get his hands on” the witness he blames for focusing the attention of law enforcement on him. He has boasted of his skills at using the anonymity of internet “trolling” as a weapon against those he feels have wronged him. He has a well-documented access to firearms. It is clear that Arena poses a serious threat of witness intimidation and obstruction of justice. For that reason he should be detained.

Respectfully submitted,

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United States Attorney

s/Joseph A. LaBar
JOSEPH A. LaBAR
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that a copy of the Government's Supplemental Motion for Pretrial Detention was served via electronic court filing, on the following defense counsel:

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